

# BEST AVAILABLE COPY

SEP-15-06 14:59 From:GOODWIN PROCTER LLP

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T-982 P.08/13 Job-051

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PATENTS  
Attorney Docket No. FPY-089

## REMARKS

Claims 1-28 are pending in the present application. Claims 26-28 have been canceled solely to facilitate issuance of a patent. Claims 1-25 stand rejected. Claims 1 and 14 have been canceled and claims 2, 3, 4, 10, 15, 24, and 25 has been amended.

Amendment, cancellation, or withdrawal of claims should in no way be construed as an acquiescence to any of the Examiner's rejections. The amendments to the claims are being made solely to expedite prosecution of the present application and do not, and are not intended to, narrow the claims in any way. Applicants reserve the option to further prosecute the same or similar claims in the instant application, or in a divisional or continuation patent application.

### Objections

The disclosure is objected to because of informalities. The Office Action states that "the structure of silicon modified polyolefin given in paragraph 0059 appears to require  $R_1$  either a chemical bond or bivalent organic or inorganic moiety, " but that "the  $R_1$  specified in paragraph 0062 includes monovalent radicals or elements such as alkyl, alkenyl, alkynyl..." Applicants respectfully note that one of skilled in the art would recognized that the  $R_1$  moieties recited in paragraph 0062 should be selected from those moieties that can be bivalent, such as alkyl, alkenyl, alkynyl, a bond, heteroatoms and the like because  $R_1$  is the structure given in paragraph 0059 requires it to be bivalent.

The Office Action further indicates that in "paragraph 0033, the term silyl means  $-\text{SiR}_3$  where R here can be H, C, O, Si, halogen or heteroatom cannot be understood since as per chemical dictionary the term "silyl" means silicyl". Applicants respectfully note that one of skill in the art commonly uses the term "silyl" to mean  $-\text{SiR}_3$ . Applicants further attach herewith Appendix A from the IUPAC Compendium indicating that silyl commonly refers to  $-\text{SiR}_3$ .

Applicants therefore respectfully request withdrawal of these objections.

Claim Rejections based on 35 U.S.C. § 112, second paragraph.

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Claims 2-23 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Action states that the phrases “organic or inorganic moiety”, “organic moiety” and “inorganic moiety” render claims 2 and 3 indefinite. Applicants respectfully disagree, however to expedite prosecution have amended claims 2 and 3 to remove the term “inorganic moiety” and further clarify the moiety  $X_1$ . At least in part because the structures of claims 2 and 3 indicate,  $R_1$  and  $R_2$  are bivalent moieties.

The Action further indicates that “claims 7, 8, 10, 18 and 21 disclose species includes monovalent radicals such as alkyl, alkenyl, alkynyl, hydroxyl, etc.” Applicants respectfully assert that, at least in part because  $R_1$  and  $R_2$  are required to be a chemical bond or a bivalent organic moiety as per the structure formula of claims 2, 3 and 4, the radicals recited in claims 7, 8, 10, 18 and 21 refer to bivalent moieties, e.g. a bivalent alkyl such as  $\text{CH}_2$ -. Claim 10 has been amended to remove reference to hydroxyl.

Applicants therefore respectfully request the rejections based on 35 U.S.C. § 112 second paragraph be withdrawn.

Claim rejections based on 35 U.S.C. 102(e)

Claims 1, 24 and 25 stand rejected under 35 U.S.C. 102(e) as being anticipated by Botros (U.S. Patent 6,894,115). Claim 1 has been canceled. Claim 24 has been amended to depend on claim 2, which does not stand rejected under 35 U.S.C. 102(e). Claim 25 has been amended to recite “a composite layer comprising fibers disposed in a matrix.” Support for such amendment may be found for example in paragraph 0051 of the instant disclosure. Botros does not teach or suggest a composite tube that includes a polyolefin layer and a layer comprising fibers disposed in a matrix, wherein the polyolefin layer and the composite layer through a tie-layer, wherein the tie-layer comprises a silicon moiety. Nor does Botros teach or suggest that such a tie-layer could bind such a composite layer to a polyolefin.

Applicants therefore respectfully request the rejections based on 35 U.S.C. § 102(e) second paragraph be withdrawn.

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## CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at 617-570-1000. Should an extension of time be required, Applicant hereby petitions for same and request that the extension fee and any other fee required for timely consideration of this application be charged to Deposit Account, No. 07-1700, Reference: FPY-089.

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